

SUBSTITUTE FOR
HOUSE BILL NO. 5166

A bill to amend 1979 PA 218, entitled
"Adult foster care facility licensing act,"
(MCL 400.701 to 400.737) by adding section 34b; and to repeal acts
and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 34B. (1) IN ADDITION TO THE RESTRICTIONS PRESCRIBED IN
2 SECTIONS 13, 22, AND 31, AND EXCEPT AS OTHERWISE PROVIDED IN
3 SUBSECTION (2), AN ADULT FOSTER CARE FACILITY SHALL NOT EMPLOY OR
4 INDEPENDENTLY CONTRACT WITH AN INDIVIDUAL WHO REGULARLY HAS DIRECT
5 ACCESS TO OR PROVIDES DIRECT SERVICES TO RESIDENTS OF THE ADULT
6 FOSTER CARE FACILITY AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT
7 THAT ADDED THIS SECTION IF 1 OR MORE OF THE FOLLOWING APPLY:

1 (A) THE INDIVIDUAL HAS BEEN CONVICTED OF A FELONY OR AN
2 ATTEMPT OR CONSPIRACY TO COMMIT A FELONY, OTHER THAN A FELONY FOR A
3 RELEVANT CRIME DESCRIBED UNDER 42 USC 1320A-7, UNLESS 15 YEARS HAVE
4 LAPSED SINCE THE INDIVIDUAL COMPLETED ALL OF THE TERMS AND
5 CONDITIONS OF HIS OR HER SENTENCING, PAROLE, AND PROBATION FOR THAT
6 CONVICTION BEFORE THE DATE OF APPLICATION FOR EMPLOYMENT OR THE
7 DATE OF THE EXECUTION OF THE INDEPENDENT CONTRACT.

8 (B) THE INDIVIDUAL HAS BEEN CONVICTED OF A MISDEMEANOR, OTHER
9 THAN A MISDEMEANOR FOR A RELEVANT CRIME DESCRIBED UNDER 42 USC
10 1320A-7, INVOLVING ABUSE, NEGLECT, ASSAULT, BATTERY, OR CRIMINAL
11 SEXUAL CONDUCT OR INVOLVING FRAUD OR THEFT, A MISDEMEANOR UNDER
12 PART 74 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.7401 TO
13 333.7461, OR A STATE OR FEDERAL CRIME THAT IS SUBSTANTIALLY SIMILAR
14 TO A MISDEMEANOR DESCRIBED IN THIS SUBDIVISION WITHIN THE 10 YEARS
15 IMMEDIATELY PRECEDING THE DATE OF APPLICATION FOR EMPLOYMENT OR THE
16 DATE OF THE EXECUTION OF THE CONTRACT.

17 (C) THE INDIVIDUAL HAS BEEN CONVICTED OF AN OFFENSE LISTED
18 UNDER R 400.1152 OF THE MICHIGAN ADMINISTRATIVE CODE.

19 (D) THE INDIVIDUAL HAS BEEN CONVICTED OF A RELEVANT CRIME
20 DESCRIBED UNDER 42 USC 1320A-7.

21 (E) THE INDIVIDUAL HAS BEEN THE SUBJECT OF A SUBSTANTIATED
22 FINDING OF NEGLECT, ABUSE, OR MISAPPROPRIATION OF PROPERTY BY THE
23 DEPARTMENT UNDER AN INVESTIGATION CONDUCTED IN ACCORDANCE WITH 42
24 USC 1395I-3 OR 1396R.

25 (F) THE INDIVIDUAL IS THE SUBJECT OF AN ORDER OR DISPOSITION
26 UNDER SECTION 16B OF CHAPTER IX OF THE CODE OF CRIMINAL PROCEDURE,
27 1927 PA 175, MCL 769.16B.

(2) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION AND SUBSECTION (7), AN ADULT FOSTER CARE FACILITY SHALL NOT EMPLOY OR INDEPENDENTLY CONTRACT WITH AN INDIVIDUAL WHO REGULARLY HAS DIRECT ACCESS TO OR PROVIDES DIRECT SERVICES TO RESIDENTS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION UNTIL THE ADULT FOSTER CARE FACILITY COMPLIES WITH SUBSECTION (4). EXCEPT AS OTHERWISE PROVIDED, THIS SUBSECTION AND SUBSECTION (1) DO NOT APPLY TO AN INDIVIDUAL WHO IS EMPLOYED BY OR UNDER CONTRACT TO AN ADULT FOSTER CARE FACILITY BEFORE THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION. AN INDIVIDUAL WHO IS EXEMPT UNDER THIS SUBSECTION IS NOT LIMITED TO WORKING WITHIN THE ADULT FOSTER CARE FACILITY WITH WHICH HE OR SHE IS EMPLOYED BY OR UNDER INDEPENDENT CONTRACT WITH ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION. THAT INDIVIDUAL MAY TRANSFER TO ANOTHER ADULT FOSTER CARE FACILITY PROVIDED THAT A CRIMINAL HISTORY CHECK BEING CONDUCTED IN ACCORDANCE WITH THIS SUBSECTION AND SUBSECTION (1) DOES NOT INDICATE A PROHIBITED OFFENSE AS DESCRIBED IN SUBSECTION (1). IF AN INDIVIDUAL WHO IS EXEMPT UNDER THIS SUBSECTION IS SUBSEQUENTLY CONVICTED OF A CRIME OR OFFENSE DESCRIBED UNDER SUBSECTION (1)(A), (B), OR (C) OR FOUND TO BE THE SUBJECT OF A SUBSTANTIATED FINDING DESCRIBED UNDER SUBSECTION (1)(E) OR AN ORDER OR DISPOSITION DESCRIBED UNDER SUBSECTION (1)(F), OR IS FOUND TO HAVE BEEN CONVICTED OF A RELEVANT CRIME DESCRIBED UNDER SUBSECTION (1)(D), HE OR SHE IS SUBJECT TO THE REQUIREMENTS OF THIS SUBSECTION AND SUBSECTION (1) AND MAY BE DENIED EMPLOYMENT.

(3) AN INDIVIDUAL WHO APPLIES FOR EMPLOYMENT EITHER AS AN

1 EMPLOYEE OR AS AN INDEPENDENT CONTRACTOR WITH AN ADULT FOSTER CARE
2 FACILITY AND HAS RECEIVED A GOOD FAITH OFFER OF EMPLOYMENT OR
3 INDEPENDENT CONTRACT FROM THE ADULT FOSTER CARE FACILITY SHALL GIVE
4 WRITTEN CONSENT AT THE TIME OF APPLICATION FOR THE DEPARTMENT OF
5 STATE POLICE TO CONDUCT A CRIMINAL HISTORY CHECK UNDER THIS
6 SECTION, ALONG WITH IDENTIFICATION ACCEPTABLE TO THE DEPARTMENT OF
7 STATE POLICE.

8 (4) UPON RECEIPT OF THE WRITTEN CONSENT AND IDENTIFICATION
9 REQUIRED UNDER SUBSECTION (3), THE ADULT FOSTER CARE FACILITY THAT
10 HAS MADE A GOOD FAITH OFFER OF EMPLOYMENT OR INDEPENDENT CONTRACT
11 SHALL MAKE A REQUEST TO THE DEPARTMENT OF STATE POLICE TO CONDUCT A
12 CRIMINAL HISTORY CHECK ON THE INDIVIDUAL AND TO FORWARD THE
13 INDIVIDUAL'S FINGERPRINTS TO THE FEDERAL BUREAU OF INVESTIGATION.
14 THE DEPARTMENT OF STATE POLICE SHALL REQUEST THE FEDERAL BUREAU OF
15 INVESTIGATION TO MAKE A DETERMINATION OF THE EXISTENCE OF ANY
16 NATIONAL CRIMINAL HISTORY PERTAINING TO THE INDIVIDUAL. THE
17 INDIVIDUAL SHALL PROVIDE THE DEPARTMENT OF STATE POLICE WITH A SET
18 OF FINGERPRINTS. THE REQUEST SHALL BE MADE IN A MANNER PRESCRIBED
19 BY THE DEPARTMENT OF STATE POLICE. THE ADULT FOSTER CARE FACILITY
20 SHALL MAKE THE WRITTEN CONSENT AND IDENTIFICATION AVAILABLE TO THE
21 DEPARTMENT OF STATE POLICE. THE ADULT FOSTER CARE FACILITY SHALL
22 REQUEST THE DEPARTMENT TO CONDUCT A CHECK OF ALL RELEVANT
23 REGISTRIES ESTABLISHED ACCORDING TO FEDERAL REGULATIONS FOR ANY
24 SUBSTANTIATED FINDINGS OF ABUSE, NEGLECT, OR MISAPPROPRIATION OF
25 PROPERTY. IF THERE IS A CHARGE FOR CONDUCTING THE CRIMINAL HISTORY
26 CHECK, THE CHARGE SHALL BE PAID BY OR REIMBURSED BY THE DEPARTMENT
27 WITH MEDICAID AND MEDICARE FUNDING AS APPROPRIATE. THE ADULT FOSTER

1 CARE FACILITY SHALL NOT SEEK REIMBURSEMENT FOR THE CHARGE FROM THE
2 INDIVIDUAL WHO IS THE SUBJECT OF THE CRIMINAL HISTORY CHECK. THE
3 DEPARTMENT OF STATE POLICE SHALL CONDUCT A CRIMINAL HISTORY CHECK
4 ON THE INDIVIDUAL NAMED IN THE REQUEST. THE DEPARTMENT OF STATE
5 POLICE SHALL PROVIDE THE DEPARTMENT WITH A WRITTEN REPORT OF THE
6 CRIMINAL HISTORY CHECK IF THE REPORT CONTAINS ANY CRIMINAL HISTORY
7 RECORD INFORMATION. THE REPORT SHALL CONTAIN ANY CRIMINAL HISTORY
8 RECORD INFORMATION ON THE INDIVIDUAL MAINTAINED BY THE DEPARTMENT
9 OF STATE POLICE. THE DEPARTMENT OF STATE POLICE SHALL PROVIDE THE
10 RESULTS OF THE FEDERAL BUREAU OF INVESTIGATION DETERMINATION TO THE
11 DEPARTMENT WITHIN 30 DAYS AFTER THE REQUEST IS MADE. IF THE
12 REQUESTING ADULT FOSTER CARE FACILITY IS NOT A STATE DEPARTMENT OR
13 AGENCY AND IF A CRIMINAL CONVICTION IS DISCLOSED ON THE FEDERAL
14 BUREAU OF INVESTIGATION DETERMINATION, THE DEPARTMENT SHALL NOTIFY
15 THE ADULT FOSTER CARE FACILITY AND THE INDIVIDUAL WHO IS THE
16 SUBJECT OF THE FEDERAL BUREAU OF INVESTIGATION DETERMINATION IN
17 WRITING OF THE TYPE OF CRIMINAL CONVICTION DISCLOSED ON THE FEDERAL
18 BUREAU OF INVESTIGATION DETERMINATION WITHOUT DISCLOSING THE
19 DETAILS OF THE CRIMINAL CONVICTION. THE CHARGES FOR FINGERPRINTING
20 OR A FEDERAL BUREAU OF INVESTIGATION DETERMINATION UNDER THIS
21 SUBSECTION SHALL BE PAID IN THE MANNER REQUIRED UNDER THIS
22 SUBSECTION. THE NOTICE SHALL INCLUDE A STATEMENT THAT THE
23 INDIVIDUAL HAS A RIGHT TO APPEAL A DECISION MADE BY THE ADULT
24 FOSTER CARE FACILITY REGARDING HIS OR HER EMPLOYMENT ELIGIBILITY
25 BASED ON THE CRIMINAL BACKGROUND CHECK. THE NOTICE SHALL INCLUDE
26 INFORMATION REGARDING WHERE TO FILE THE APPEAL AND INFORMATION
27 DESCRIBING THE APPELLATE PROCEDURES ESTABLISHED UNDER SECTION

20173B OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.20173B.

(5) IF AN ADULT FOSTER CARE FACILITY DETERMINES IT NECESSARY TO EMPLOY OR INDEPENDENTLY CONTRACT WITH AN INDIVIDUAL BEFORE RECEIVING THE RESULTS OF THE INDIVIDUAL'S CRIMINAL HISTORY CHECK REQUIRED UNDER THIS SECTION, THE ADULT FOSTER CARE FACILITY MAY CONDITIONALLY EMPLOY THE INDIVIDUAL IF BOTH OF THE FOLLOWING APPLY:

(A) THE ADULT FOSTER CARE FACILITY REQUESTS THE CRIMINAL HISTORY CHECK REQUIRED UNDER THIS SECTION, UPON CONDITIONALLY EMPLOYING THE INDIVIDUAL.

(B) THE INDIVIDUAL SIGNS A WRITTEN STATEMENT INDICATING ALL OF THE FOLLOWING:

(i) THAT HE OR SHE HAS NOT BEEN CONVICTED OF 1 OR MORE OF THE CRIMES THAT ARE DESCRIBED IN SUBSECTION (1)(A), (B), (C), AND (D) WITHIN THE APPLICABLE TIME PERIOD PRESCRIBED BY SUBSECTION (1)(A) AND (B).

(ii) THAT HE OR SHE HAS NOT BEEN THE SUBJECT OF A SUBSTANTIATED FINDING AS DESCRIBED IN SUBSECTION (1)(E) OR AN ORDER OR DISPOSITION AS DESCRIBED UNDER SUBSECTION (1)(F).

(iii) THE INDIVIDUAL AGREES THAT, IF THE INFORMATION IN THE CRIMINAL HISTORY CHECK CONDUCTED UNDER THIS SECTION DOES NOT CONFIRM THE INDIVIDUAL'S STATEMENTS UNDER SUBPARAGRAPHS (i) AND (ii), HIS OR HER EMPLOYMENT WILL BE TERMINATED BY THE ADULT FOSTER CARE FACILITY AS REQUIRED UNDER SUBSECTION (1) UNLESS AND UNTIL THE INDIVIDUAL APPEALS AND CAN PROVE THAT THE INFORMATION IS INCORRECT. THE ADULT FOSTER CARE FACILITY SHALL PROVIDE A COPY OF THE RESULTS OF THE CRIMINAL HISTORY CHECK CONDUCTED UNDER THIS SECTION TO THE INDIVIDUAL.

1 (iv) THAT HE OR SHE UNDERSTANDS THE CONDITIONS DESCRIBED IN
2 SUBPARAGRAPHS (i), (ii), AND (iii) THAT RESULT IN THE TERMINATION OF
3 HIS OR HER EMPLOYMENT AND THAT THOSE CONDITIONS ARE GOOD CAUSE FOR
4 TERMINATION.

5 (6) ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED
6 THIS SECTION, THE DEPARTMENT SHALL DEVELOP AND DISTRIBUTE A MODEL
7 FORM FOR THE STATEMENT REQUIRED UNDER SUBSECTION (5)(B). THE
8 DEPARTMENT SHALL MAKE THE MODEL FORM AVAILABLE TO ADULT FOSTER CARE
9 FACILITIES UPON REQUEST AT NO CHARGE.

10 (7) IF AN INDIVIDUAL IS EMPLOYED AS A CONDITIONAL EMPLOYEE OR
11 AN INDEPENDENT CONTRACTOR UNDER THIS SECTION AND THE REPORT
12 DESCRIBED IN SUBSECTION (4) DOES NOT CONFIRM THE INDIVIDUAL'S
13 STATEMENT UNDER SUBSECTION (5)(B)(i) OR (ii), THE ADULT FOSTER CARE
14 FACILITY SHALL TERMINATE THE INDIVIDUAL'S EMPLOYMENT AS REQUIRED BY
15 SUBSECTION (1).

16 (8) AN INDIVIDUAL WHO KNOWINGLY PROVIDES FALSE INFORMATION
17 REGARDING A CRIMINAL CONVICTION ON A STATEMENT DESCRIBED IN
18 SUBSECTION (5)(B)(i) OR (ii) IS GUILTY OF A MISDEMEANOR PUNISHABLE BY
19 IMPRISONMENT FOR NOT MORE THAN 93 DAYS OR A FINE OF NOT MORE THAN
20 \$500.00, OR BOTH.

21 (9) AN ADULT FOSTER CARE FACILITY SHALL USE CRIMINAL HISTORY
22 RECORD INFORMATION OBTAINED UNDER THIS SECTION ONLY FOR THE PURPOSE
23 OF EVALUATING AN INDIVIDUAL'S QUALIFICATIONS FOR EMPLOYMENT IN THE
24 POSITION FOR WHICH HE OR SHE HAS APPLIED AND FOR THE PURPOSES OF
25 SUBSECTIONS (5) AND (7). AN ADULT FOSTER CARE FACILITY OR AN
26 EMPLOYEE OF THE ADULT FOSTER CARE FACILITY SHALL NOT DISCLOSE
27 CRIMINAL HISTORY RECORD INFORMATION OBTAINED UNDER THIS SECTION TO

1 A PERSON WHO IS NOT DIRECTLY INVOLVED IN EVALUATING THE
2 INDIVIDUAL'S QUALIFICATIONS FOR EMPLOYMENT OR INDEPENDENT CONTRACT.
3 AN INDIVIDUAL WHO KNOWINGLY USES OR DISSEMINATES THE CRIMINAL
4 HISTORY RECORD INFORMATION OBTAINED UNDER THIS SECTION IN VIOLATION
5 OF THIS SUBSECTION IS GUILTY OF A MISDEMEANOR PUNISHABLE BY
6 IMPRISONMENT FOR NOT MORE THAN 93 DAYS OR A FINE OF NOT MORE THAN
7 \$1,000.00, OR BOTH. AN INDIVIDUAL WHO SUFFERS INJURY AS A RESULT OF
8 A VIOLATION OF THIS SUBSECTION MAY BRING A CIVIL CAUSE OF ACTION
9 FOR DAMAGES AGAINST THE PERSON WHO VIOLATES THIS SUBSECTION. UPON
10 WRITTEN REQUEST FROM ANOTHER ADULT FOSTER CARE FACILITY OR HEALTH
11 FACILITY OR AGENCY THAT IS CONSIDERING EMPLOYING OR INDEPENDENTLY
12 CONTRACTING WITH AN INDIVIDUAL, AN ADULT FOSTER CARE FACILITY THAT
13 HAS OBTAINED CRIMINAL HISTORY RECORD INFORMATION UNDER THIS SECTION
14 ON THAT INDIVIDUAL SHALL SHARE, WITH THE INDIVIDUAL'S CONSENT, THE
15 INFORMATION WITH THE REQUESTING ADULT FOSTER CARE FACILITY OR
16 HEALTH FACILITY OR AGENCY. EXCEPT FOR A KNOWING OR INTENTIONAL
17 RELEASE OF FALSE INFORMATION, AN ADULT FOSTER CARE FACILITY HAS NO
18 LIABILITY IN CONNECTION WITH THE RELEASE OF CRIMINAL HISTORY RECORD
19 INFORMATION UNDER THIS SUBSECTION.

20 (10) AS A CONDITION OF CONTINUED EMPLOYMENT, EACH EMPLOYEE OR
21 INDEPENDENT CONTRACTOR SHALL AGREE IN WRITING TO REPORT TO THE
22 ADULT FOSTER CARE FACILITY IMMEDIATELY UPON EITHER OF THE
23 FOLLOWING:

24 (A) BEING CONVICTED OF 1 OR MORE OF THE CRIMINAL OFFENSES
25 LISTED IN SUBSECTION (1)(A), (B), (C), AND (D).

26 (B) BEING THE SUBJECT OF A SUBSTANTIATED FINDING OF NEGLECT,
27 ABUSE, OR MISAPPROPRIATION OF PROPERTY AS DESCRIBED IN SUBSECTION

1 (1)(E).

2 (C) BEING THE SUBJECT OF AN ORDER OR DISPOSITION DESCRIBED
3 UNDER SUBSECTION (1)(F).

4 (11) IN ADDITION TO SANCTIONS SET FORTH IN THIS ACT, A
5 LICENSEE, OWNER, ADMINISTRATOR, OR OPERATOR OF AN ADULT FOSTER CARE
6 FACILITY WHO KNOWINGLY AND WILLFULLY FAILS TO CONDUCT THE CRIMINAL
7 HISTORY CHECKS AS REQUIRED UNDER THIS SECTION IS GUILTY OF A
8 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR
9 A FINE OF NOT MORE THAN \$5,000.00, OR BOTH.

10 (12) WITHIN 1 YEAR AFTER THE EFFECTIVE DATE OF THE AMENDATORY
11 ACT THAT ADDED THIS SECTION, THE DEPARTMENT SHALL SUBMIT A WRITTEN
12 REPORT TO THE LEGISLATURE REGARDING EACH OF THE FOLLOWING:

13 (A) THE IMPACT AND EFFECTIVENESS OF THIS AMENDATORY ACT.

14 (B) THE FEASIBILITY OF IMPLEMENTING CRIMINAL HISTORY CHECKS ON
15 VOLUNTEERS WHO WORK IN THOSE ADULT FOSTER CARE FACILITIES AND ON
16 STATE AGENCY EMPLOYEES WHO ARE INVOLVED IN THE LICENSING OF THOSE
17 ADULT FOSTER CARE FACILITIES AND REGULATION OF THOSE EMPLOYEES.

18 (C) THE AMOUNT OF MEDICAID AND MEDICARE FUNDING UTILIZED TO
19 PAY FOR OR REIMBURSE CHARGES FOR CONDUCTING CRIMINAL HISTORY CHECKS
20 IN ACCORDANCE WITH THIS SECTION AND THE AMOUNT REMAINING OF THOSE
21 FUNDS.

22 (13) WITHIN 3 YEARS AFTER THE EFFECTIVE DATE OF THIS SECTION,
23 THE DEPARTMENT SHALL SUBMIT A WRITTEN REPORT TO THE LEGISLATURE
24 OUTLINING A PLAN TO COVER THE COSTS OF THE CRIMINAL HISTORY CHECKS
25 REQUIRED UNDER THIS SECTION IF FEDERAL FUNDING IS NO LONGER
26 AVAILABLE OR IS INADEQUATE TO COVER THOSE COSTS.

27 (14) AS USED IN THIS SECTION:

1 (A) "DIRECT ACCESS" MEANS ACCESS TO A PATIENT OR RESIDENT OR
2 TO A PATIENT'S OR RESIDENT'S PROPERTY, FINANCIAL INFORMATION,
3 MEDICAL RECORDS, TREATMENT INFORMATION, OR ANY OTHER IDENTIFYING
4 INFORMATION.

5 (B) "HEALTH FACILITY OR AGENCY" MEANS A HEALTH FACILITY OR
6 AGENCY AS DEFINED IN SECTION 20106 OF THE PUBLIC HEALTH CODE, 1978
7 PA 368, MCL 333.20106.

8 (C) "INDEPENDENT CONTRACT" MEANS A CONTRACT ENTERED INTO BY AN
9 ADULT FOSTER CARE FACILITY WITH AN INDIVIDUAL WHO PROVIDES THE
10 CONTRACTED SERVICES INDEPENDENTLY OR A CONTRACT ENTERED INTO BY AN
11 ADULT FOSTER CARE FACILITY WITH AN ORGANIZATION OR AGENCY THAT
12 EMPLOYS OR CONTRACTS WITH AN INDIVIDUAL AFTER COMPLYING WITH THE
13 REQUIREMENTS OF THIS SECTION TO PROVIDE THE CONTRACTED SERVICES TO
14 THE ADULT FOSTER CARE FACILITY ON BEHALF OF THE ORGANIZATION OR
15 AGENCY.

16 Enacting section 1. Section 34a of the adult foster care
17 facilities licensing act, 1979 PA 218, MCL 400.734a, is repealed
18 effective 60 days after the department secures the necessary
19 federal approval or waiver, and files a written notice, as provided
20 under enacting section 2.

21 Enacting section 2. Section 34b of the adult foster care
22 facility licensing act, 1979 PA 218, MCL 400.734b, as added by this
23 amendatory act, takes effect 60 days after the department secures
24 the necessary federal approval or waiver to utilize federal funds
25 to enable the department to pay for or reimburse the costs incurred
26 by adult foster care facilities for requesting a national criminal
27 history check to be conducted by the federal bureau of

- 1 investigation and files with the secretary of state a written
- 2 notice that the federal approval or waiver has been secured.